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7  
8 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

9 CARLA BALLOU, an Individual,  
10  
Plaintiff,

**CASE NO.:**

11 vs.

**COMPLAINT AND JURY DEMAND**

12  
13 UNIVERSAL HEALTH SERVICES, INC.,  
a foreign corporation,  
14  
Defendant.  
15

16 The Plaintiff CARLA BALLOU (“**Ms. Ballou**” or “**Plaintiff**”) by and through her  
17 attorneys, Jenny L. Foley, Ph.D., Esq. of HKM Employment Attorneys LLP, hereby complain  
18 and allege as follows:

19 **JURISDICTION**

20 1. This is an action for damages brought by Plaintiff for unlawful workplace  
21 discrimination and retaliation based on race under Title VII of the Civil Rights Act of 1964  
22 (“Title VII”), 42 U.S.C. §2000e et seq., and Nevada Revised Statute §613.330 et seq; for  
23 monetary damages to redress the deprivation of rights secured to the Plaintiff by the Civil Rights  
24 Act of 1871, 42 U.S.C. § 1981; and for certain claims brought pursuant to the Nevada Revised  
25 Statutes as outlined below.

26 2. This Court has primary jurisdiction over claims set forth herein pursuant to 28  
27 U.S.C. § 1331 (federal question), 28 U.S.C. §1343(a) (4) (civil rights action) and 42 U.S.C.  
28

1 §2000e-5(f)(3) (unlawful discrimination and retaliation in employment). Additionally, this  
2 Court has supplemental jurisdiction over any state law claims pled herein pursuant to 28 U.S.C.  
3 § 1367.

4 3. All material allegations contained in this Complaint are believed to have  
5 occurred in Clark County, Nevada. Therefore, venue properly lies in the southern division of  
6 the United States Court for the District of Nevada pursuant to 28 U.S.C. §1391(b)(2).

7 **EXHAUSTION OF ADMINISTRATIVE REMEDY**

8 4. On or about July 15, 2021, Plaintiff initiated the process of filing a Charge of  
9 Discrimination against her employer, the Defendant named in this action with the Nevada Equal  
10 Rights Commission wherein he alleged discrimination based on race, color, and retaliation.

11 5. On or about July 16, 2021, Plaintiff received her Notice of Right to Sue from the  
12 EEOC.

13 6. This action is timely filed pursuant to 42 U.S.C. § 2000e-5(f).

14 7. Plaintiff has exhausted her administrative remedy on all claims pled hereunder  
15 prior to filing this action with this Court.

16 **GENERAL ALLEGATIONS**

17 8. Plaintiff incorporates all of the allegations in the preceding paragraphs as though  
18 fully set forth herein.

19 9. Plaintiff is a United States citizen and current resident of Clark County, Nevada.

20 10. Defendant UNIVERSAL HEALTH SERVICES, INC. (hereinafter “UHS” or  
21 “Defendant”) is a foreign corporation and an employer in the State of Nevada.

22 11. At all times relevant to this matter, Defendant had over 50 employees, and is  
23 therefore subject to the provisions of Title VII.

24 12. Plaintiff is an African American female.

25 13. Plaintiff was over the age of 50 at the time of the incidents that gave rise to this  
26 action.

27 14. Plaintiff was an employee from approximately April 2019 through  
28 approximately September 28, 2020.

1           15. Plaintiff's final position for Defendant was as the Director of Revenue Cycle.

2           16. Plaintiff began working out of California, where she flew to Las Vegas, Nevada  
3 three times a week for work, and then flew back to California two times a week.

4           17. When Plaintiff was initially hired, she was informed that she would be required  
5 to relocate to Las Vegas, Nevada.

6           18. The move to Las Vegas was initially planned for February 2020, when the  
7 California office was set to close; however, that date got pushed back to May 31, 2020, when  
8 the office did close.

9           19. Plaintiff contacted UHS Human Resources was contacted twice regarding the  
10 move that Plaintiff was now expected to undergo with little warning.

11           20. UHS had admittedly failed to update the Senior VP, Mike Nelson, another white  
12 male.

13           21. Human Resources eventually instructed Plaintiff to write a summary explaining  
14 the situation and facts regarding the relocation and timeline.

15           22. After Plaintiff submitted the letter to Human Resources, she received a revised  
16 letter back that addressed the timelines and other issues regarding the move.

17           23. After two weeks, Plaintiff's supervisor, Peggy Stavitz, a white female, told  
18 Plaintiff that Defendant had to internally discuss what to do.

19           24. In or around June 2020, Mr. Nelson responded to Plaintiff inquiry and demanded  
20 that Plaintiff move to Nevada within 15 days.

21           25. Plaintiff did not believe that this was nearly enough notice to move to an entirely  
22 different state.

23           26. As such, Plaintiff contacted Human Resources for assistance in drafting an  
24 extension request.

25           27. Plaintiff's efforts were successful, and Defendant granted her an additional 60  
26 days to move to Nevada, giving her until August 8, 2020, to move to Las Vegas.

27           28. During this time, Plaintiff also notified Defendant of a pre-existing condition  
28 that required certain accommodations, which were documented and approved.

1           29. Plaintiff provided documentation from her physicians that she had an asthma  
2 condition and that she needed to work at home or in a position involving no direct personal  
3 contact with others.

4           30. Following this, Plaintiff did not have any issues while working for Defendant  
5 until July 10, 2020, when she arrived for work and noticed that her computer had gone missing  
6 from her desk.

7           31. Accordingly, Plaintiff reported it to her supervisors and contacted the police who  
8 immediately began investigating the theft.

9           32. Upon information and belief, after the employees learned of the missing laptop,  
10 they searched to see if anything else had been taken, and it was determined that the Assistant  
11 Director's keys had also been taken.

12           33. Plaintiff learned that the IT Manager, Steve Zucker, a white male, was claiming  
13 that the laptop was still in the building at the same time Plaintiff was in the building. This  
14 amounted to a direct allegation that Plaintiff stole the laptop.

15           34. As a result of this allegation, the investigating police officer confronted Plaintiff  
16 with the allegation made by Mr. Zucker and proceeded to interrogate Plaintiff as if she were  
17 already found guilty of the theft.

18           35. No one intervened on Plaintiff's behalf to stop the unnecessarily harsh and  
19 accusatory interrogation by Plaintiff.

20           36. After the Assistant Director, Terre Churchill, reached out to corporate IT, it was  
21 discovered that Mr. Zucker was mistaken in his assessment.

22           37. Mr. Zucker's information indicated Plaintiff's laptop was in the building based  
23 on Eastern Time, instead of Pacific Time, which proved that Plaintiff was not in the building at  
24 the same time (Pacific Time Zone) as now the missing computer.

25           38. Plaintiff reported Mr. Zucker's allegation and the resulting behavior of the  
26 police officer to her supervisor, Ms. Stavitz.

27           39. Upon information and belief, Ms. Stavitz, told Plaintiff that the allegation and  
28 resulting behavior were not racist and that Plaintiff should just let them do their job.

1           40.     Plaintiff also reported the incident to the Human Resource Director at Southwest  
2 Healthcare.

3           41.     Thereafter, Plaintiff continued to correspond with Defendant regarding her  
4 move and accommodations.

5           42.     On or about September 28, 2020, Plaintiff was terminated after her assistant had  
6 forwarded a check for approval to the corporate office.

7           43.     Upon information and belief, the check was approved and came through  
8 correctly, and Plaintiff's assistant, Christina Johnson, sent in a W-9 that the bad actor had  
9 submitted to re-route the check, without the assistant's knowledge, which ultimately resulted in  
10 a hacker cashing a check for approximately \$174,000.

11           44.     Ms. Johnson, a white female, had been conversing with the owner of the  
12 company regarding the check that had not been properly processed.

13           45.     Plaintiff was not privy to every email or communication regarding the  
14 investigation into the matter, but she knew that her assistant was looking into it.

15           46.     At some point in her communications with the owner of the company to whom  
16 the check was written, Ms. Johnson informed Plaintiff that she was concerned that fraud had  
17 been committed.

18           47.     Plaintiff requested that Ms. Johnson send her all of the emails and  
19 correspondence so that she could notify the IT team, her supervisor, and HR.

20           48.     Thereafter, Plaintiff received several calls from Ms. Stavitz, Human Resources,  
21 as well as from the Senior VP, Michael Nelson, a white male.

22           49.     Ms. Stavitz often led the calls and would ask Plaintiff if she remembered any  
23 additional information or whether anything else happened regarding the check fraud perpetrated  
24 by an unknown bad actor.

25           50.     Plaintiff felt as if she was being harassed and accused of impropriety, especially  
26 considering that many other employees, including Ms. Johnson, were never interrogated in such  
27 an accusatory manner.

28           51.     Upon information and belief, the Chief Information Officer, Tom McLoughlin,

1 stated that, based on the emails that were forwarded, an untrained eye would have never realized  
2 that the email between Ms. Johnson and the vendor was hacked as the email was only one letter  
3 off.

4 52. Plaintiff explained the situation and reiterated the facts several times to several  
5 people and departments, including the HR, Compliance, IT, and Legal departments.

6 53. After one such meeting, Ms. Stavitz had told Plaintiff that she had done very  
7 well and that her story was always complete with no holes.

8 54. Plaintiff's reply to the praise was that she had felt as if she was being targeted  
9 once again.

10 55. Ms. Stavitz's statement was a clear indication that the two events were, in fact,  
11 linked in her estimation.

12 56. Upon information and belief, on or about September 26, 2020, the entire UHS  
13 computer system was hacked. Plaintiff was, and still is, unaware of the extent of the damage,  
14 if any, as a result of that hack, and she is unaware whether the check fraud incident was related  
15 to the September 26, 2020 hacking event.

16 57. On Monday, September 28, 2020, Ms. Stavitz showed up onsite, which was  
17 unusual given that she worked out of the corporate office in Philadelphia, and called Plaintiff  
18 into an office.

19 58. Ms. Stravitz terminated Plaintiff ostensibly because of the check that had been  
20 defrauded by a hacker, despite Plaintiff not being the primary handler of the check as well as  
21 the CIO stating that an untrained eye would have never realized that the email between Ms.  
22 Johnson and the vendor was hacked.

23 59. In addition, Plaintiff was not only irresponsible for the check incident, but it  
24 was her actions that allowed for the recovery of some of the money.

25 60. Plaintiff was the one who contacted the Regions Bank in Alabama for them to  
26 trace the check.

27 61. Yet, Plaintiff was, upon information and belief, the only individual who was  
28 being targeted.



1 subject to the same or substantially similar conduct.

2 72. Plaintiff suffered adverse economic impact due to Defendant's discriminatory  
3 behavior and termination.

4 73. Plaintiff was embarrassed, humiliated, angered and discouraged by the  
5 discriminatory actions taken against her.

6 74. Plaintiff suffered compensable emotional and physical harm, including but not  
7 limited to, headaches, sleeplessness, anxiety and depression resulting from this unlawful  
8 discrimination by her employer.

9 75. Plaintiff is entitled to be fully compensated for her emotional disturbance by  
10 being forced to endure this discrimination.

11 76. Pursuant to 1991 Amendments to Title VII, Plaintiff is entitled to recover  
12 punitive damages for Defendant's intentional repeated violations of federal and state civil rights  
13 laws.

14 77. Plaintiff suffered damages in an amount deemed sufficient by the jury.

15 78. Plaintiff is entitled to an award of reasonable attorney's fees.

16 79. Defendant is guilty of oppression, fraud or malice, express or implied as  
17 Defendant knowingly and intentionally discriminated against Plaintiff because of her race and  
18 disability.

19 80. Therefore, Plaintiff is entitled to recover damages for the sake of example, to  
20 deter other employers from engaging in such conduct and by way of punishing the Defendant  
21 in an amount deemed sufficient by the jury.

22 **SECOND CAUSE OF ACTION**

23 **(Retaliation under Federal Law, 42 U.S.C. § 2000e-3 and State Law, NRS 613.340)**

24 81. Plaintiff incorporates all of the allegations in the preceding paragraphs as though  
25 fully set forth herein.

26 82. In violation of 42 U.S.C § 200e-3 and NRS 613.340, Defendant retaliated against  
27 Plaintiff after she complained of acts which he reasonably believed were discriminatory.

28 83. Plaintiff complained of race discrimination as well as retaliation to her



1 supervisors and Defendant's HR Department; but, Plaintiff was only met with more retaliation  
2 after making such complaints.

3 84. There may be more detrimental acts of which Plaintiff is unaware which may  
4 also constitute retaliation in that it harmed Plaintiff.

5 85. The actions and conduct by Defendant constitute illegal retaliation which is  
6 prohibited by federal and state statutes.

7 86. Plaintiff suffered damages in an amount deemed sufficient by the jury.

8 87. Plaintiff is entitled to an award of reasonable attorney's fees.

9 88. Defendant is guilty of oppression, fraud or malice, express or implied because  
10 Defendant knowingly and intentionally retaliated against Plaintiff because he submitted a  
11 complaint of racial discrimination with the general manager.

12 89. Therefore, Plaintiff is entitled to recover damages for the sake of example, to  
13 deter other employers from engaging in such conduct and by way of punishing the Defendant  
14 in an amount deemed sufficient by the jury.

15 **THIRD CAUSE OF ACTION**

16 **(Violation of the Civil Rights Act of 1871, §1981)**

17 90. Plaintiff incorporates all of the allegations in the preceding paragraphs as though  
18 fully set forth herein.

19 91. Plaintiff is African American and therefore a member of a protected class.

20 92. Defendant engaged in the above-mentioned harassment and discrimination of  
21 Plaintiff with the purposeful intent to discriminate against her because of her race (African  
22 American).

23 93. Under similar circumstances, other, white or non-African American employees  
24 were not subjected to a racially hostile working environment.

25 94. Plaintiff was subject to disparate treatment and retaliation through adverse  
26 employment actions, and favorable behavior toward white employees, which is prima facie  
27 evidence of purposeful intent to discriminate against Plaintiff because of her race.

28 95. Plaintiff suffered damages in an amount deemed sufficient by the jury.



1 secure compensation for the damages incurred as a result of these violations and therefore, he  
2 is entitled to recover reasonable attorney's fees against Defendant.

3 **WHEREFORE**, Plaintiff prays this court for:

- 4 a. A jury trial on all appropriate claims;  
5 moreover, to enter judgment in favor of the Plaintiff by:  
6 b. Awarding Plaintiff an amount sufficient to fully compensate her (including tax  
7 consequences) for all economic losses of any kind, and otherwise make her  
8 whole in accordance with Title VII, §1981, and certain claims brought  
9 pursuant to the Nevada Revised Statutes;  
10 c. General damages;  
11 d. Special damages;  
12 e. An award of compensatory and punitive damages to be determined at trial;  
13 f. Pre- and post-judgment interest;  
14 g. An award of attorney's fees and costs; and  
15 h. Any other relief the court deems just and proper.

16 Dated this 11th Day of October, 2021.

17 **HKM EMPLOYMENT ATTORNEYS, LLP**

18 /s/ Jenny L. Foley

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